See separate file on this & 11/13 stories

Mr. George Bush, Director
CIA
Washington, D.C. 20505

11/26/76
Rt. 12, Frederick, Md. 21701

Dear Mr. Bush,

This letter is prompted by the Ron Kessler story in this morning's Washington Post and what it means of the CIA violations of my rights under FOIA/PA.

I have a number of requests pending since 1971. There has been no response to most of my appeals. All requests are long past your own claimed- and largely manufactured- backlog. Action on no appeal has been completed, not even on the one because of your non-compliance with my 1971 request. Your record is of virtually total non-compliance.

Your stonewalling on my requests for everything on the JFK assassination and everything on or about Lee Harvey Oswald led me to file separate requests for individual items of evidence so you could process them more expeditiously. With one request almost six year old and not complied with I think you can understand my position and the totality of the proof provided by the CIA that it does not conform to the requirement of the Act, of due diligence and good faith.

When I filed the separate request for all records of all surveillances on Lee Harvey Oswald the CIA responded that this is included in an earlier request. I then said I want it processed separately because I do not want to wait until that distant time when your functionaries complete their review of all the files. The law give you no such right. This narrower request was subject to prompt compliance. What was lacking was the CIA's willingness. What was controlling was and is its determination not to live within the Act and its intent to nullify the Act by making it unworkable. Therefore there has been no compliance with this one of several narrower requests.

There has not been any question of national security or of the disclosing of confidential sources or arcane methods. The fact of all of this kind of surveillance has long been public, as has the identification of those who aided you in these endeavors.

Now the Post has been given on an exclusive basis what I asked for under the Act and was not given. I was not even given a reason for your refusal to abide by the Act. Spurious as the CIA's allegations usual are I was not given even a phoney one. This has been very damaging to me. In the course of this at least one former CIA person, by the most remarkable of coincidences the one who is leading your "defense," has been all over TV and radio in elaborate details. Now this is the kind of think the CIA has assured courts have to be kept secret in the interest of "national security." So I think you face a problem of enforcement. This man seems to have violated the law as you interpret the law and his oath to CIA. That it serves CIA's interests is not material.

David Phillips, as the Post managed not to report, was CIA station chief when Lee Harvey Oswald was in Mexico City.

Although you have done it you should not investigate the press. However, you do have a statutory responsibility under which I demand a full investigation of this matter of you and a report upon its completion. If you do not agree to do this I then call upon you to retract every allegation, in court and elsewhere, that information has to be denied me because you have this statutory responsibility. You meet your responsibilities under that Act or you do not. It gives you no license to chose what you will and will not do under it.

Because of this Washington Post story I ask for immediate and separate compliance with those requests that were denied and from the materials of which this story is written. I do hope that after this story and its coast-to-coast attention I will not be greeted with your usual hokum. I would like to hope that at some point there will be some decent concern in your establishment, some sense of shame over such conduct and wholesale illegalities.

If you recall the way Brandeis put it, this kind of conduct does more to undermine the national than anything you do can do to secure it.

Sincerely, Harold Weisberg

a.m. 11/26/76 postscript To Tom Quinn

Regardless of the basic accuracy of this morning's Post Kessler story, there is much wrong with it, to Kessler's prior knowledge wrong with it. He did not indicate it was this story but several night ago he did phone me on a JFK story, to ask if I knew a name not in the story.

The reason for this postscript is that this is the second spook leak of what is covered by my long-standing and ignored FOIA requests. The first was the Post story of 11/13 alleging a secret Hoover memo. It is a non-story. Kessler told me they are not proud of it now, a statement not supported by his today's story.

With the surveillance I have long had such an inclusive request with the CIA. So long it is past their claimed lag. They tried to lump it in with my inclusive request. I rejected this, saying I did not want to wait until whatever time in the distant future they would admit to having completed whatever they decided to review.

I knew of these intercepts. When a friend filed an inadequate request I backstopped with an adequate one although I had already included it. Because Schweiker also knew and didnothing I made a separate request. I said I wanted it faster.

Mine also included the interception of Oswald's mail, certain when he was in the USSR.

While I have no way of knowing whether there was any such conversation I do know that the thing is utterly irrational.

The subject of the 11/13 leak is an FBI record.

Jim telegraphed Levi 11/13 and has had no response. Even acknowledgement.

Earlier in affidavitd and beginning 9/16 and for several days in W.A.75-1996 we went into this. We had supervisory FOIA agents on the stand and I testified. They have reviewed these files three times as of them without responding to my requests that go back to 1968. I testified to this without even pro forma cross examination. By then I had a list of these requests made.

I have written Kelley, Levi and Shea repeatedly about this without response.

This is for your FOIA knowledge. In no case has the time of the claimed - and manufactured - backlog not passed with both agencies and DJ.

HW

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